

## **BEFORE THE ARIZONA CORPORATIO**

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**COMMISSIONERS** 

BOB STUMP - Chairman **GARY PIERCE BRENDA BURNS BOB BURNS** SUSAN BITTER SMITH RECEIVED

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Arizona Corporation Commission DOCKETED

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IN THE MATTER OF THE APPLICATION OF CIRCLE CITY WATER COMPANY L.L.C. FOR APPROVAL TO DELETE PORTIONS OF ITS CERTIFICATE OF CONVENIENCE AND NECESSITY AND TO DELETE THE REQUIREMENT TO FILE A RATE CASE PURSUAN TO DECISION NO. 68246.

**DOCKET NO. W-03510A-13-0397 NOTICE OF FILING** 

## ORIGINAL

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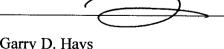
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In accordance with a data request by Arizona Corporation Commission staff to Lake Pleasant 5000, L.L.C. ("LP5K"), attached is a letter sent from the principals of LP5K to Bob Hardcastle of Circle City Water Company ("CCWC"). The letter was sent to CCWC in response to the above captioned docket being opened when CCWC filed for a deletion of a portion of its Certificate of Convenience and Necessity.

RESPECTFULLY SUBMITTED this 29th day of September 2014



Garry D. Hays THE LAW OFFICES OF GARRY D. HAYS, PC 1702 East Highland Avenue, Suite 204 Phoenix, Arizona 85016 Counsel for Lake Pleasant 5000, LLC.

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2	Original and thirteen (13) Copies filed on September 29 <sup>th</sup> , 2014 with:
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4	Docket Control
5	Arizona Corporation Commission 1200 W. Washington Street
6	Phoenix, AZ 85007
7	COPIES of the foregoing mailed/ Delivered on September 29 <sup>th</sup> , 2014 to:
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24	^ 1
25	By: Chantelle De
26	
27	

## Lake Pleasant 500, L.L.C. 17700 N. Pacesetter Way, Suite 100 Scottsdale, AZ 85255 480.348.1118

December 11, 2013 VIA EMAIL TO RTH@BROOKEUTILITIES.COM AND REGULAR MAIL

Mr. Robert T. Hardcastle Brooke Utilities, Inc. P.O. Box 82218 Bakersfield. California 93380-2218

Re:

Circle City Water Co. CC&N

Dear Bob:

I am writing in response to the application Circle City Water Company ("CCWC") filed at the Arizona Corporation Commission ("Commission") that requested a deletion of the Certificate of Convenience and Necessity ("CC&N") covering the Warrick 160 and Lake Pleasant 5000 LLC ("LP5K") property. I was extremely disappointed by your filing. As you are aware, LP5K intends to move forward with the development and is adamantly opposed to the deletion of the CC&N.

This letter will formally serve as a reiteration of the Request for Service letter received by CCWC on September 30, 2004 from LP5K. I advised you, in an email dated July 10, 2013 that LP5K intended to move forward and did not want the CC&N deleted. As you are aware, LP5K has a Water Facilities Agreement ("WFA") with CCWC and has met its contractual obligations under the WFA. In fact, in accordance with Section II, paragraph 5 of the WFA, LP5K paid CCWC \$67,782.61 on July 18, 2013. This payment was made and received when you were fully aware of LP5K's intentions. While you have attempted to get LP5K to sign a termination agreement, I have advised you numerous times that LP5K and its development partners are moving forward with this project.

LP5K will be filing an application for leave to intervene and will explain to the Commission the need for service and the desire to keep the CC&N in place. LP5K is ready and willing to present its case in front of the Commission. If there is any way we can resolve this matter without wasting the Commission's resources, please feel free to call me.

LAKE PLEASANT 5000 L.L.C.,

By:

Harvard 5K, L.L.C., its Manager

By:

Harvard Investments, Inc., its Manager

By:

Christopher J. Cacheris, Vice President